



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

I. ADMINISTRATIVE INFORMATION

Completion Date of Approved Jurisdictional Determination (AJD): 1/11/2021

ORM Number: NAB-2020-00448-P12

Associated JDs: N/A

Review Area Location¹: State/Territory: Pennsylvania City: Tremont County/Parish/Borough: Frailey Township

Center Coordinates of Review Area: Latitude 40.624837 Longitude -76.436096

II. FINDINGS

A. Summary: Check all that apply. At least one box from the following list MUST be selected. Complete the corresponding sections/tables and summarize data sources.

- The review area is comprised entirely of dry land (i.e., there are no waters or water features, including wetlands, of any kind in the entire review area). Rationale: N/A or describe rationale.
- There are “navigable waters of the United States” within Rivers and Harbors Act jurisdiction within the review area (complete table in Section II.B).
- There are “waters of the United States” within Clean Water Act jurisdiction within the review area (complete appropriate tables in Section II.C).
- There are waters or water features excluded from Clean Water Act jurisdiction within the review area (complete table in Section II.D).

B. Rivers and Harbors Act of 1899 Section 10 (§ 10)²

§ 10 Name	§ 10 Size	§ 10 Criteria	Rationale for § 10 Determination
N/A.	N/A.	N/A.	N/A.

C. Clean Water Act Section 404

Territorial Seas and Traditional Navigable Waters ((a)(1) waters): ³			
(a)(1) Name	(a)(1) Size	(a)(1) Criteria	Rationale for (a)(1) Determination
N/A.	N/A.	N/A.	N/A.

Tributaries ((a)(2) waters):			
(a)(2) Name	(a)(2) Size	(a)(2) Criteria	Rationale for (a)(2) Determination
N/A.	N/A.	N/A.	N/A.

Lakes and ponds, and impoundments of jurisdictional waters ((a)(3) waters):			
(a)(3) Name	(a)(3) Size	(a)(3) Criteria	Rationale for (a)(3) Determination
N/A.	N/A.	N/A.	N/A.

Adjacent wetlands ((a)(4) waters):			
(a)(4) Name	(a)(4) Size	(a)(4) Criteria	Rationale for (a)(4) Determination
N/A.	N/A.	N/A.	N/A.

¹ Map(s)/figure(s) are attached to the AJD provided to the requestor.

² If the navigable water is not subject to the ebb and flow of the tide or included on the District’s list of Rivers and Harbors Act Section 10 navigable waters list, do NOT use this document to make the determination. The District must continue to follow the procedure outlined in 33 CFR part 329.14 to make a Rivers and Harbors Act Section 10 navigability determination.

³ A stand-alone TNW determination is completed independently of a request for an AJD. A stand-alone TNW determination is conducted for a specific segment of river or stream or other type of waterbody, such as a lake, where upstream or downstream limits or lake borders are established. A stand-alone TNW determination should be completed following applicable guidance and should NOT be documented on the AJD Form.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

D. Excluded Waters or Features

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
Wetland B	0.086	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 700 feet upslope of the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland C	0.061	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 800 feet upslope of the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland D	0.017	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 900 feet upslope of the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland E	0.068	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 900 feet upslope of the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland F	0.017	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located over 1,000 feet from the closet jurisdictional waterway (small tributary off the west side shoulder of SR

⁴ Some excluded waters, such as (b)(2) and (b)(4), may not be specifically identified on the AJD form unless a requestor specifically asks a Corps district to do so. Corps districts may, in case-by-case instances, choose to identify some or all of these waters within the review area.

⁵ Because of the broad nature of the (b)(1) exclusion and in an effort to collect data on specific types of waters that would be covered by the (b)(1) exclusion, four sub-categories of (b)(1) exclusions were administratively created for the purposes of the AJD Form. These four sub-categories are not new exclusions, but are simply administrative distinctions and remain (b)(1) exclusions as defined by the NWPR.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
				81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland G	0.068	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Wetland H	0.012	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 700 feet from the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland J	0.019	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 300 feet from the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland K	0.013	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 400 feet upslope of the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland M	0.024	acre(s)	(b)(5) Ditch that is not an (a)(1) or (a)(2) water, and those portions of a ditch	A constructed ditch that connects Open Water N with Open Water M. These two Open Water Areas area strip pits formed during past mining practices.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			constructed in an (a)(4) water that do not satisfy the conditions of (c)(1).	
Wetland N	0.255	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Storm water control pond constructed during the reclamation of the property. This feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Wetland O	0.040	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 800 from the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Wetland P	0.165	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Storm water control pond constructed during the reclamation of the property. This feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Wetland S	0.027	acre(s)	(b)(1) Non-adjacent wetland.	Confined isolated depression, that is neither abutting nor adjacent a jurisdictional waters constructed in uplands incidental to past mining or farming practices. The wetland is located approximately 900 feet upslope of the closet jurisdictional waterway (small tributary off the west side shoulder of SR 81 North) and there is no surface connection to that water. It would not receive any flood flows from that waterway.
Open Water C	0.073	acre(s)	(b)(8) Artificial lake/pond constructed or	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water D	0.034	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water E	0.099	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water F	0.099	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			water that meets (c)(6).	
Open Water G	0.036	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water I	0.155	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water K	0.094	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water L	0.137	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Open Water M	0.739	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water N	0.134	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water O	0.308	acre(s)	(b)(10) Stormwater control feature constructed or excavated in upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	Storm water control pond constructed during the mining of the property. This feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water P	0.413	acre(s)	(b)(10) Stormwater control feature constructed or excavated in	Storm water control pond constructed during the mining of the property. This feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			upland or in a non-jurisdictional water to convey, treat, infiltrate, or store stormwater runoff.	
Open Water Q	0.419	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water R	0.037	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water T	0.157	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water U	0.088	acre(s)	(b)(8) Artificial lake/pond constructed or	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water V	0.085	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Open Water AB	0.122	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond A	0.140	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			water that meets (c)(6).	
Seasonal Pond B	0.022	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond H	0.006	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is are the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond J	0.070	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond S	0.166	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	
Seasonal Pond W	0.010	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond X	0.013	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond Y	0.010	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond Z	0.011	acre(s)	(b)(8) Artificial lake/pond constructed or	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond AA	0.024	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond AC	0.001	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.
Seasonal Pond AD	0.006	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

Excluded waters ((b)(1) – (b)(12)): ⁴				
Exclusion Name	Exclusion Size		Exclusion ⁵	Rationale for Exclusion Determination
			water that meets (c)(6).	
Seasonal Pond AE	0.024	acre(s)	(b)(8) Artificial lake/pond constructed or excavated in upland or a non-jurisdictional water, so long as the artificial lake or pond is not an impoundment of a jurisdictional water that meets (c)(6).	Strip Pit that is the result of past mining operations. The site has documented mining activity prior to 1939 with extensive surface mining beginning around 1940. Thus, this feature was created prior to the Clean Water Act of 1972, before the Corps had jurisdiction of waters and wetlands in this area.

III. SUPPORTING INFORMATION

A. Select/enter all resources that were used to aid in this determination and attach data/maps to this document and/or references/citations in the administrative record, as appropriate.

Information submitted by, or on behalf of, the applicant/consultant: [Wetland and Open Water Delineation Report, dated October 2019 and revised March 2020, completed by Advantage Engineering. The Wetland and Waterway Delineation Map that is referenced in the Approved JD letter is titled: "Overall Natural Resources Map", dated October 10, 2019, sheets 1 through 4 of 4. The size of the area of investigation is 217 acres.](#)

This information is sufficient for purposes of this AJD.

Rationale: [N/A](#)

- Data sheets prepared by the Corps: [Title\(s\) and/or date\(s\)](#).
- Photographs: [Aerial and Other: Various submitted with the delineation and in the Permit Application](#)
- Corps site visit(s) conducted on: [December 10, 2020](#)
- Previous Jurisdictional Determinations (AJDs or PJDs): [ORM Number\(s\) and date\(s\)](#).
- Antecedent Precipitation Tool: [provide detailed discussion in Section III.B.](#)
- USDA NRCS Soil Survey: [Custom Soil Resource Report for Schuykill County](#)
- USFWS NWI maps: [Pine Grove](#)
- USGS topographic maps: [Pine Grove 7.5-minute Topo Quad Map](#)

Other data sources used to aid in this determination:

Data Source (select)	Name and/or date and other relevant information
USGS Sources	N/A.
USDA Sources	N/A.
NOAA Sources	N/A.
USACE Sources	N/A.
State/Local/Tribal Sources	N/A.
Other Sources	N/A.



**U.S. ARMY CORPS OF ENGINEERS
REGULATORY PROGRAM
APPROVED JURISDICTIONAL DETERMINATION FORM (INTERIM)
NAVIGABLE WATERS PROTECTION RULE**

B. Typical year assessment(s): *N/A*

C. Additional comments to support AJD:

All aquatic resources onsite are the result from the historic use of the property. Mining operations that have occurred onsite has left the property scarred with strip pits that have filled with water. Additionally wetlands that occur onsite are the result of the mining operations and reclamation of the area, as well, via within or adjacent to the strip pits or have occurred through other mining activity (i.e. vehicle movement or areas graded during that time frame and constructed ditches).